

ORDINANCE NO. 2009 -037

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA AMENDING THE 1989 COMPREHENSIVE PLAN AS ADOPTED BY ORDINANCE NO. 89-17, AS AMENDED; AMENDING THE FUTURE LAND USE ATLAS (FLUA); ADOPTING SMALL SCALE AMENDMENT ~~NORTHLAKE~~ / OSPREY ISLES CLP (SCA 2009-029); MODIFYING PAGE 29 BY CHANGING A 9.89 ACRES PARCEL OF LAND LOCATED AT THE NORTHWEST CORNER OF NORTHLAKE BOULEVARD AND MEMORIAL PARK ROAD, FROM COMMERCIAL LOW OFFICE WITH AN UNDERLYING 1 DWELLING UNIT PER ACRE (CL-O/1) TO COMMERCIAL LOW OFFICE WITH AN UNDERLYING 8 DWELLING UNITS PER ACRE (CL-O/8); PROVIDING FOR REPEAL OF LAWS IN CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE 1989 COMPREHENSIVE PLAN; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, on August 31, 1989, the Palm Beach County Board of County Commissioners adopted the 1989 Comprehensive Plan by Ordinance No. 89-17; and

WHEREAS, the Palm Beach County Board of County Commissioners amends the 1989 Comprehensive Plan as provided by Chapter 163, Part II, Florida Statutes; and

WHEREAS, Section 163.3187(1)(c), Florida Statutes, provides comprehensive plan amendments directly related to small scale development activity may be made by local governments without regard to statutory limits regarding the timing and frequency of plan amendments; and

WHEREAS, Section 163.3187(1)(c)4, Florida Statutes, provides that small scale development amendments require only one public hearing before the governing board which shall be an adoption public hearing; and

WHEREAS, a property owner has initiated an amendment to the Future Land Use Atlas of the 1989 Comprehensive Plan; and

WHEREAS, the proposed amendment meets the criteria of a small scale development amendment per Section 163.3187(1)(c), Florida Statutes; and

WHEREAS, the Palm Beach County Local Planning Agency conducted a public hearing on May 15, 2009, to review the proposed amendment to the Palm Beach County Comprehensive Plan and made recommendations regarding the proposed amendment to the Palm Beach County Board of County Commissioners pursuant to Chapter 163, Part II, Florida Statutes; and

WHEREAS, the Palm Beach County Board of County Commissioners, as

1 the governing body of Palm Beach County, conducted a public hearing
2 pursuant to Chapter 163, Part II, Florida Statutes, on August 27,
3 2009, to review the recommendations of the Local Planning Agency and
4 to consider adoption of the amendments; and

5 **WHEREAS**, the Palm Beach County Board of County Commissioners has
6 determined that the amendment complies with all requirements of the
7 Local Government Comprehensive Planning and Land Development
8 Regulation Act.

9 **NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY**
10 **COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that:**

11 **Part I. Amendments to the Future Land Use Atlas of the Land Use**
12 **Element of the 1989 Comprehensive Plan**

13 The following amendment to the Future Land Use Element's Future
14 Land Use Atlas is hereby adopted and is attached to this Ordinance:

15 **A. Future Land Use Atlas page 29 is amended as follows:**

16 **Application No.:** NORTHLAKE / OSPREY ISLES CLF (SCA 2009-029)

17 **Amendment:** Commercial Low Office with an underlying 1
18 dwelling unit per acre (CL-0/1) to
19 Commercial Low Office with an underlying 8
20 dwelling units per acre (CL-0/8);

21 **General Location:** Northwest corner of Northlake Boulevard and
22 Memorial Park Road;

23 **Size:** Approximately 9.89 acres;

24 **Condition:** The density associated with the High
25 Residential, 8 units per acre (HR-8),
26 future land use designation shall only be
27 utilized for the development of a
28 Congregate Living Facility (CLF). If
29 developed residentially, other than as a
30 CLF, the density shall be limited to Low
31 Residential one unit per acre (LR-1);
32 If developed utilizing the CL-0 land use,
33 the subject site shall be limited to a
34 Maximum 75,000 sq ft of Self -Storage and a
35 maximum 75,000 sq ft of Office and/or
36 Work/Live or Residential Units. The subject
37 site shall be limited to 26,058 square feet

of development.

Part II. Repeal of Laws in Conflict

All local laws and ordinances applying to the unincorporated area of Palm Beach County in conflict with any provision of this ordinance are hereby repealed to the extent of such conflict.

Part III. Severability

If any section, paragraph, sentence, clause, phrase, or word of this Ordinance is for any reason held by the Court to be unconstitutional, inoperative or void, such holding shall not affect the remainder of this Ordinance.

Part IV. Inclusion in the 1989 Comprehensive Plan

The provisions of this Ordinance shall become and be made a part of the 1989 Palm Beach County Comprehensive Plan. The Sections of the Ordinance may be renumbered or relettered to accomplish such, and the word "ordinance" may be changed to "section," "article," or any other appropriate word.

Part V. Effective Date

This amendment shall not become effective until 31 days after adoption. If challenged within 30 days after adoption, this amendment shall not become effective until the state land planning agency or the Administration Commission, respectively, issues a final order determining the amendment is in compliance.

APPROVED AND ADOPTED by the Board of County Commissioners of Palm Beach County, on the 27th day of August, 2009.

ATTEST:

SHARON R. BOCK
CLERK
AND COMPTROLLER

PALM BEACH COUNTY, FLORIDA,
BY ITS BOARD OF COUNTY COMMISSIONERS


By: 

Deputy Clerk

By: 

John F. Koons, Chairman

APPROVED AS TO FORM AND LEGAL SUFFICIENCY


COUNTY ATTORNEY

Filed with the Department of State on the 4th day of September, 2009.

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EXHIBIT 1

Amendment No.: Northlake / Osprey Isles CLF (SCA 2009-029)

FLUA Page No.: 29

Amendment: CL-O/1 to CL-O/8

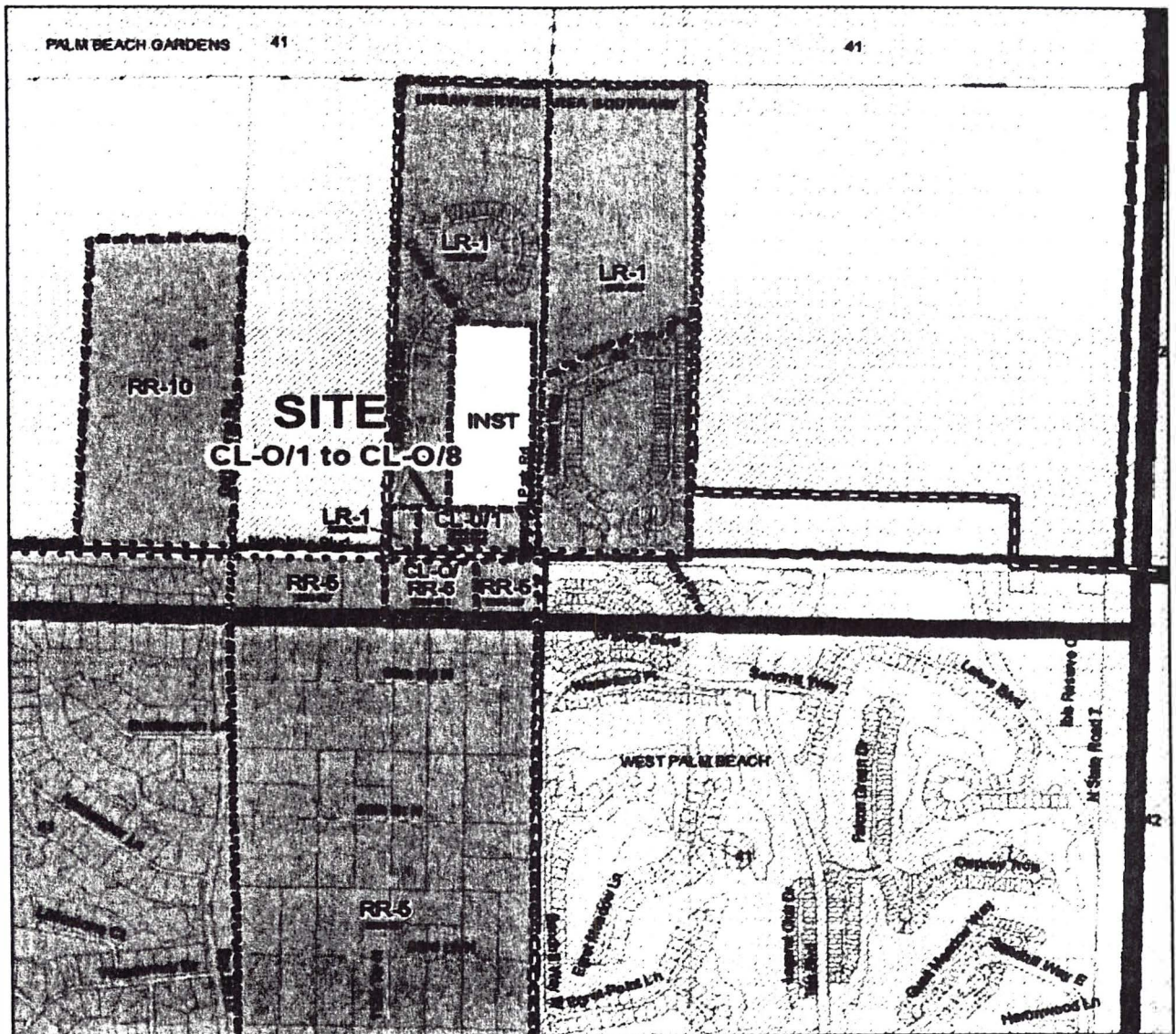
Location: Northwest corner of Northlake Boulevard and Memorial Park Road

Size: 9.89 acres

Property No.: 00-41-42-14-00-000-5030

Condition: The density associated with the High Residential, 8 units per acre (HR-8), future land use designation shall only be utilized for the development of a Congregate Living Facility (CLF). If developed residentially, other than as a CLF, the density shall be limited to Low Residential one unit per acre (LR-1)

If developed utilizing the CL-O land use, the subject site shall be limited to a Maximum 75,000 sq ft of Self -Storage and a maximum 75,000 sq ft of Office and/or Work/Live or Residential Units.



Legal Description

DESCRIPTION OF A PARCEL OF LAND LOCATED IN SECTION 14, TOWNSHIP 42 SOUTH, RANGE 41 EAST, PALM BEACH COUNTY, FLORIDA, BEING A PORTION OF THOSE LANDS DESCRIBED IN OFFICIAL RECORD BOOK 10471, PAGES 349 THROUGH 352, MORE PARTICULARLY DESCRIBED AS FOLLOWS;

COMMENCE AT THE NORTHEAST CORNER OF SAID SECTION 14, TOWNSHIP 42 SOUTH, RANGE 41 EAST; THENCE RUN SOUTH 01 DEGREES 28 MINUTES 43 SECONDS WEST, ALONG THE EAST LINE OF SAID SECTION 14, A DISTANCE OF 4214.42 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE SOUTH 01 DEGREES 28 MINUTES 43 SECONDS WEST, ALONG SAID EAST LINE, A DISTANCE OF 397.99 FEET TO THE NORTH RIGHT-OF-WAY LINE OF NORTHLAKE BOULEVARD, AS NOW LAID OUT AND IN USE; THENCE NORTH 89 DEGREES 02 MINUTES 40 SECONDS WEST, ALONG SAID NORTH RIGHT-OF-WAY LINE, A DISTANCE OF 1068.34 FEET; THENCE NORTH 01 DEGREES 50 MINUTES 08 SECONDS EAST, DEPARTING SAID NORTH RIGHT-OF-WAY LINE, A DISTANCE OF 409.18 FEET; THENCE SOUTH 88 DEGREES 26 MINUTES 41 SECONDS EAST, A DISTANCE OF 1065.75 FEET TO THE POINT OF BEGINNING.

CONTAINING 430,584 SQUARE FEET (9.885 ACRES) MORE OR LESS.

BEARINGS SHOWN HEREON ARE BASED ON THE EAST LINE OF SECTION 14, TOWNSHIP 42 SOUTH, RANGE 41 EAST, BEARING SOUTH 01 DEGREES 28 MINUTES 43 SECONDS WEST.

PCN: 00-41-42-14-00-000-5030

STATE OF FLORIDA, COUNTY OF PALM BEACH
I, SHARON R. BOCK, Clerk and Comptroller
certify this to be a true and correct copy of the original
filed in my office on August 27, 2009

dated at West Palm Beach, FL on 9/14/09

By: Diane Brown

